

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

DARNELL Mc GARY,

Plaintiff,

v.

CHRISTINE GREGOIRE, *et al.*,

Defendants.


Case No. C07-5587RJB

ORDER DISMISSING  
COMPLAINT WITHOUT  
PREJUDICE

The Court, having reviewed the Report and Recommendation of Magistrate Judge J. Kelley Arnold, objections to the report and recommendation, if any, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) Plaintiff's complaint is **DISMISSED WITHOUT PREJUDICE**. Plaintiff cannot challenge the propriety of his current his commitment in a civil rights action.
- (3) This action fails to state a claim and is subject to dismissal pursuant to 28 U.S.C. 1915 (e)(2)(B)(ii).
- (4) The Clerk is directed to send copies of this Order to plaintiff and to the Hon. J. Kelley Arnold.

DATED this 3<sup>rd</sup> day of December, 2007.

  
ROBERT J. BRYAN  
United States District Judge